HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 24856 OF 2006
DATE: 16.7.2007

Between:

Udatha Tirupalu @ Rirupalaiah and 23 others

…Petitioners

AND

1. The Superintendent of Police, Nellore and three others

….Respondents

HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 24856 OF 2006

ORAL ORDER:

Petitioners are 24 in number are residents of Yeruru Village of Chillakur Mandal, Nellore District, seek to issue a Writ of Mandamus declaring the action of the Station House Officer, Gudur Police Station, Gudur, in not allowing them to enter into their lands situated at Yeruru Village, as illegal and arbitrary.

The case of the petitioners is that they have been granted patta in their favour under the Cooperative Joint Farming Society vide proceedings Rc: 533/79 dated 24.3.1979 and therefore, they are lawful possessors having joint patta to cultivate their lands.

A counter affidavit has been filed stating that no compliant was filed against the petitioners and the petitioners also never approached the respondents making any such allegations about the alleged interference. On a compliant filed by one Mr. I Subrahmanyam @ Mani S/o Pedapullaiah, resident of Yeruru Village of Chillakur Mandal, a case in Crime No. 105/2005 under Section 324 r/w 34 IPC and Section 3(i)(x) of SC/ST (POA) Act, 1989 was registered on 12.9.2005 against one Mr. Poluru Seenaiah and three others, but no case was registered against the petitioners and the respondents never interfered with the civil dispute in respect of the lands of the petitioners.

The learned counsel for the petitioners submits that after filing the counter in December 2006, a case has been registered against the petitioners but the correct number and the date of the registration of the case was not at all furnished. However, that is not the grievance of the petitioners. If at all a case has been registered it cannot be said that the registration of the case is illegal and unsustainable and if it is illegal, the same can be questioned in an appropriate forum.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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V. ESWARAIAH, J

Date: 16.07.2007
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